

**MINUTES
of the
FIRST MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**June 12, 2012
Room 321, State Capitol**

The first meeting of the 2012 interim of the Radioactive and Hazardous Materials Committee (RHMC) was called to order by Representative Antonio Lujan, chair, at 10:00 a.m. on Tuesday, June 12, 2012, in Room 321 of the State Capitol.

Present

Rep. Antonio Lujan, Chair
Sen. Richard C. Martinez, Vice Chair
Rep. Thomas A. Anderson
Rep. Cathrynn N. Brown
Sen. Stephen H. Fischmann
Sen. John Pinto
Rep. Jim R. Trujillo
Rep. Shirley A. Tyler

Absent

Sen. Vernon D. Asbill
Rep. Brian F. Egolf, Jr.
Sen. Carroll H. Leavell
Sen. David Ulibarri

Advisory Members

Sen. Rod Adair
Rep. Eliseo Lee Alcon
Sen. William F. Burt
Rep. Jim W. Hall
Sen. Lynda M. Lovejoy
Sen. Nancy Rodriguez
Rep. Nick L. Salazar
Sen. Bernadette M. Sanchez

Rep. Donald E. Bratton
Sen. Eric G. Griego
Sen. Gay G. Kernan
Sen. William H. Payne

Staff

Gordon Meeks
Renée Gregorio

Guests and Handouts

The guest list is in the meeting file, as are copies of all handouts and written testimony.

Tuesday, June 12

Committee members introduced themselves to the audience before the chair invited the first speaker to the testifying table.

Los Alamos Legacy Waste and Waste Isolation Pilot Plant (WIPP) Permit Status Reports

Jim Davis, director, Resource Protection Division, Department of Environment (NMED), was joined by John Kieling, chief, Hazardous Waste Bureau, NMED. Mr. Davis began by reminding committee members of last year's presentation, which focused on the effects of the Las

Conchas fire and the accomplishments for cleaning up legacy waste under the 2005 consent order. He also said that Governor Susana Martinez had given the NMED, in coordination with the federal Department of Environment (DOE), the priority of cleaning up transuranic (TRU) waste at Technical Area (TA) 54, Area G, and protecting regional water resources. Mr. Davis reported that the NMED and DOE came up with a framework agreement with Los Alamos National Laboratory (LANL) that is a nonbinding agreement that specifies cleanup of TRU waste, including completion of an inventory of above-ground, combustible TRU waste that amounts to 3,706 cubic meters, all of which will be removed by June 14, 2014. (See handout for other waste removal time lines.) He spoke of continuing monitoring efforts for ground water and surface water and provided a status report for the second quarter of the current fiscal year.

Mr. Davis also stated that LANL wants to renegotiate the consent order, given its public acknowledgment in January that completion of that order cannot be accomplished by the December 2015 deadline. Reasons cited include inadequate funding and technical challenges, including the area's complex geology and the volume of waste to be removed. He indicated that although LANL desires renegotiation of the 2013 deadline, the NMED is not yet ready to reschedule. He added that as the TRU waste is removed and LANL demonstrates progress, that progress will be evaluated and assessed in full public view. He stated that the NMED has granted 33 extensions as of the end of April 2012, most for two years and others from one to 11 months.

Regarding the handling of newly generated waste, Mr. Davis stated that TA 63 will be the new handling facility for such waste once TA 54 is closed, which will consolidate waste management operations into a smaller area.

Mr. Davis also announced that there is a new program manager for WIPP in the hazardous waste area who will work toward increased efficiency. In addition, he reviewed WIPP permitting activities and referred to the chart in the handout that specifies the number of shipments for waste facilities across the nation and places LANL in third place, with 184 shipments between July 1, 2011 and June 4, 2012. He stressed that WIPP is a national resource that serves a broad function for the nation at large and needs to be recognized as such. Next, Mr. Davis detailed permit modifications submitted and made for both Class 1 and 2 permits at WIPP. Most of the modifications made include changing names, editorial corrections and clarification of training requirements, he added.

Committee member questions and ensuing discussion included:

- the reclaiming of Area G once waste is cleaned up; clarification that the waste will not be disposed of at LANL because TRU waste is not stored on site;
- fears about the water table at LANL, the responsiveness of LANL in terms of ground water monitoring and the likely use of land as industrial after cleanup;
- the NMED's confidence that LANL has made significant progress on legacy waste cleanup and will continue to do so and that a new end date will be negotiated when progress is clear, likely in six to nine months;
- that nothing will be removed from the consent order, and the process will be made public;
- Santa Fe's Buckman Direct Diversion monitoring; any surface water diversion has robust protocols in place for protection, which includes shutting down flow if need be

and that the water produced goes through testing and has to meet federal safe drinking water requirements;

- advisory boards that deal with the removal of waste at LANL, the NMED's correspondence with these boards and public input;
- the effect of forest fires on LANL and the NMED's focus on the removal of above-ground waste;
- additional funding in the budget for LANL cleanup, especially through the National Nuclear Security Administration (NNSA);
- *** • ***request for an NNSA representative to appear before the RHMC to discuss funding stream;***
- taking more responsibility regarding the consent order; concern over the citizen perspective of consent order renegotiation; and
- the life expectancy of WIPP and concern over the amount of waste being shipped from Idaho.

Update from LANL

Bruce Schappell, deputy associate director for environmental programs, LANL, with Rick Ulibarri expressed appreciation to the committee and invited all members to a celebration on June 26, an event to recognize the one thousandth shipment to WIPP.

Mr. Schappell's presentation focused on the status of the cleanup program, the movement of above-ground TRU waste, shifting priorities to address the highest risk and protecting water resources. He delineated the mission of environmental programs, which include repacking and shipping TRU waste, investigating and remediating legacy waste areas, demolishing unused buildings and disposing of solid waste from LANL operations. He stated that four projects were implemented with federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, and all projects have been closed. He spoke of the partnering LANL has engaged in with the DOE and NNSA, which has allowed for unprecedented cleanup progress. He said that this focus on priorities and collaboration has allowed for a shift from lower-risk activities to address the highest-risk above-ground TRU waste. He reviewed the framework agreement and specifics of deliverables to which LANL has committed. He also detailed the kinds of storage in place for the 3,706 cubic meters of TRU waste that makes up the highest-priority waste for removal. He added that two more processing facilities will be built. He also stated that LANL is well ahead of its current removal plan; although only 277 cubic meters were planned for removal, 502 cubic meters have actually been removed in fiscal year (FY) 2012. He stated that the total shipments to WIPP in 2009, 2010 and 2011 have consistently set new records.

Mr. Schappell then reviewed the challenges encountered by LANL, including keeping workers safe despite high remediation activity and complexity, addressing highest risk through planning and prioritizing, packaging size reduction and work force expansion. He stated that protecting water quality remains a high priority and involves continuing to monitor ground water and surface water by collecting the right data to make remedial action decisions.

Committee member questions and ensuing discussion included:

- the handling of streams of debris for regular industrial waste materials from urban settings;
- a full-sweep analysis of data, not just for radioactivity, but for all possible contaminants in water;

- a new TRU facility to be used for staging future TRU waste, which is different from the current process of addressing older packaged waste; and
- *** • ***a request to put the Los Alamos County Council on a future RHMC agenda.***

Update from WIPP

Jose Franco, manager, Carlsbad Field Office, DOE, introduced himself to committee members by giving his work history because he is new in his current position, although he has extensive experience with cleanup and with the DOE. He began by characterizing the WIPP team, which includes URS as the maintenance and operations contractor; LANL in Carlsbad, which provides support, especially with the more difficult waste and defining efficiencies in getting waste to Carlsbad; transportation contractors, including CAST Transportation and Visionary Solutions; Transcom, which tracks shipments; Sandia National Laboratories (SNL), which provides technical support; and CTAC, which is run by Portage and provides oversight and quality assurance.

Mr. Franco stated that the WIPP work force is composed of people from diverse backgrounds with broad experience from the nuclear industry. He touted WIPP as a facility that provides a national solution whose operations are both safe and compliant with a huge positive impact on the state. He spoke about the types of TRU waste and the difference between contact-handled (CH) and remote-handled (RH) waste as well as the different ways in which the waste is received and stored. He added that 96% of the waste at WIPP is CH and 4% is RH.

He spoke of WIPP's stable geology and the quality of the area to be easily mined as compared to hard rock. He also said that all miners employed at WIPP are vastly experienced. He described the composition of the underground waste disposal panels, with each panel containing seven rooms. Of the eight panels, five are nearly filled, he said. He added that the WIPP transportation system has logged over 12.6 million miles of safe transportation in rigorously tested and certified shipping containers. More than 31,000 first responders have been trained since 1988, Mr. Franco reported.

Mr. Franco gave figures for TRU waste shipping activity, with Idaho, LANL and Savannah River being the top shippers to WIPP. He also reported that SNL has completed its legacy campaign by completing its storage and removal of all its TRU waste this year. Nationally, there have been 22 sites cleaned of TRU waste, Mr. Franco added.

He reviewed the regulatory successes of the DOE, noting the continuation of the five-year recertification process with the Environmental Protection Agency. He also gave a summary of funds allocated to the Carlsbad Field Office through the passage of ARRA, stating that Carlsbad received \$172 million, which was needed for road infrastructure and equipping of facilities. Also, 696 jobs were created in the Carlsbad area, legacy TRU cleanup was completed at eight sites, shipments were increased from LANL, construction was completed on projects and major equipment purchases were made with ARRA funding, he added.

He stated that in the Carlsbad Field Office, there is a national TRU corporate board to bring together all generator sites throughout the country to achieve a strategy for the disposition of all legacy and non-legacy TRU waste that is integrated and compliant. He said that this board has named LANL as its top priority.

Mr. Franco reviewed budgets, challenges and priorities for FY2012 and beyond. He said that because cleanup of LANL is the priority, this could impact shipments coming from Savannah River or Idaho.

Committee member questions and ensuing discussion included:

- the expected life span of WIPP given at 25 years initially, or until 2035;
- that if WIPP's mission is expanded to include commercial TRU waste, Mr. Franco's opinion is that there is not any technical reason why commercial waste should not come;
- that a blue ribbon commission to address supporting other waste streams at WIPP would help to provide separation between defense-related and commercial waste;
- that there are 20 to 30 waste generator sites nationwide and most have been cleaned up;
- that the first responder training is modeled after the national emergency response system and not isolated to WIPP;
- that road funding has come into New Mexico because of WIPP-designated routes, and the funding provided was part of an agreement for WIPP to be located where it is;
- that there is continuous monitoring and sampling of waste, and waste is packaged differently if there is more contamination (i.e., CH versus RH waste); and
- the reprocessing of spent nuclear fuel as an energy source, for which France is a leader, but this is not being done in New Mexico.

2012 Interim Work Plan and Meeting Schedule

Committee members discussed the proposed work plan and meeting schedule. The change requested is for the committee to meet in Hobbs for two days, on September 5 and 6, and for that meeting to include a tour of URENCO. Otherwise, all committee meetings will be in Santa Fe on the proposed dates.

Adjournment

There being no further business, the committee adjourned at 2:50 p.m.